

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JILL POWERS and PATRICK
POWERS, Individually and on behalf of
a class of consumers similarly situated,

Plaintiffs,

-vs-

FIFTH THIRD MORTGAGE CO., et al.,
Defendants.

:
: CASE NO. 1:09 CV 2059
:
:
:
:

: ORDER ADOPTING REPORT AND
: RECOMMENDATION TO GRANT IN
: PART AND DENY IN PART
: PLAINTIFFS' MOTION TO STRIKE
: (DOC. 45)

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case was referred to Magistrate Judge Nancy A. Vecchiarelli to address pre-trial discovery issues. Upon review of the parties' arguments involving the Plaintiffs' motion to strike the Defendants' affirmative defenses (Doc. 45), Magistrate Judge Vecchiarelli recommends granting the Plaintiffs' motion to strike the first, third, fourth, sixth, seventh, eighth, ninth, tenth, twelfth, fifteenth, and seventeenth defenses with the understanding that the Defendants retain the right to reassert those defenses if warranted by discovery. (Doc. 76). The Magistrate Judge recommends denying the remainder of the Plaintiffs' motion to strike.

No party has objected to the Magistrate Judge's Report and Recommendation. Therefore, this Court will presume the parties are satisfied with the determination. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health

and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, the Magistrate Judge's Report and Recommendation is adopted.

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Date: 4 August 2011